

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BRIAN J. MARTIN, YAHMI NUNDLEY,  
and KATHLEEN CADEAU,

Plaintiffs,

v.

Case Number 15-12838  
Honorable David M. Lawson

TROTT LAW, P.C. and DAVID A. TROTT,

Defendants.

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**ORDER GRANTING IN PART MOTION TO STRIKE OR  
FOR LEAVE TO FILE SUR-REPLY**

This matter is before the Court on the plaintiff's motion to strike certain portions of defendant David Trott's reply brief in support of his second motion to dismiss, or in the alternative for leave to file a sur-reply addressing a new argument raised for the first time therein. The Court has reviewed the plaintiff's motion and finds that it should be granted in part.

Accordingly, it is **ORDERED** that the plaintiff's motion to strike or for leave to file a sur-reply [dkt. #113] is **GRANTED IN PART**. The plaintiff may file a sur-reply in opposition to defendant David Trott's second motion to dismiss, not to exceed three pages in length, for the sole purpose of addressing the argument raised on pages six and seven and in footnote one on page seven of the defendant's reply brief (Pg ID 3311-12), wherein the defendant asserts that 28 U.S.C. § 1332(d)(4)(B) deprives the Court of jurisdiction over the class action claims. The plaintiff's sur-reply, if any, must be filed **on or before February 3, 2017**. The parties are advised that no further

briefing will be permitted on any topic relating to the defendant's second motion to dismiss.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: January 30, 2017

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on January 30, 2017.

s/Susan Pinkowski  
SUSAN PINKOWSKI